HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20546 of 2006

Dated:16.10.2006

Between:

Daram Bharathi and another.

…Petitioner

and

The District Collector, and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20546 of 2006

ORDER:

The two petitioners are aggrieved by the order dated 17.07.2006 passed by the third respondent resuming the land, *inter alia,* on the ground that the land was not brought under cultivation for the last three years and also on the ground that the land is required for public purpose.

The impugned order was preceded by show cause notice separately issued to the petitioners. In the show cause notice the petitioners were asked to show cause as to why the land should not be resumed as per the Iaoni Rules and Regulations for provision of house sites under the Integrated Novel Development in Rural Areas and Model Municipal Areas. However, while the impugned order was passed, yet another reason was also given. This violates the principles of natural justice. When the show cause notice was issued proposing to resume the land for public purpose, cancellation of the assignment on the ground that the land was not brought under cultivation in violation of conditions of assignment, is certainly arbitrary. Therefore, the impugned order is liable to be set aside.

Accordingly, the impugned order is set aside. The matter is remitted to the Mandal Revenue Officer to issue a fresh show cause

notice if the land is required for public purpose, and pass appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

16.10.2006
vs